

OF
HARFORD COUNTY, MARYLAND

BILL NO. 76-33 (as amended)

Introduced by Councilman Spry

Legislative Day No. 76-12

Date: April 13, 1976

AN EMERGENCY ACT to add new Chapter 25, heading, "Zoning", to the Harford County Code, and to add new Article 15, heading, "Flood Hazard Control", to said Chapter 25 of the Harford County Code; said Chapter 25 to provide for the control and regulation of land use within Harford County and said Article 15 to provide for the control of certain land in Harford County which is subject to flooding; to limit the use of land in flood plains, to provide for certain definitions, to require certain types of construction, to designate flood plain areas on plats and zoning maps; to provide for a flood plain district in all zoning maps in Harford County, and to provide penalties for the violation of this Article and generally to provide for the control of flood plain areas in Harford County, Maryland.

By the Council, April 13, 1976

Introduced, read first time, ordered posted and public hearing scheduled

on: May 11, 1976

at: 6:30 P.M.

By Order: Angela Marlowski, Secretary

PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Bill having been published according to the Charter, a public hearing was held on May 11, 1976 and concluded on May 18, 1976.

Angela Marlowski, Secretary

1 Section 1. *Be It Enacted By The County Council Of Harford County,*
2 *Maryland,* that new Chapter 25, heading, "Zoning", be, and it
3 is added to the Harford County Code, and that new Article 15,
4 heading, "Flood Hazard Control", be, and it is hereby added to
5 said Chapter 25 of the Harford County Code, all to read as
6 follows:

7 CHAPTER 25. ZONING

8 ARTICLE 15. FLOOD HAZARD CONTROL.

9 Section 25-102. Definitions.

10 (a) Channel. A natural or artificial watercourse of
11 perceptible extent, with a definite bed and banks to confine and
12 conduct continuously or periodically flowing water. Channel flow
13 is that water which is flowing within the limits of the
14 defined channel.

15 (b) Fill. The placing, storing or dumping of any
16 material, including, but not limited to, earth, clay, sand,
17 concrete, rubble or waste of any kind, upon the surface of the
18 ground which results in increasing the natural ground surface
19 elevation.

20 (c) Flood. An overflow of lands adjacent to a river,
21 stream, bay, pond, etc., not normally covered by water. A flood
22 is also any temporary rise in stream flow or stage that results
23 in significant adverse effects in the vicinity. Adverse effects
24 may include damages from overflow of land areas, backwater effects
25 in sewers and local drainage channels, creation of unsanitary
26 conditions, soil erosion, deposition of materials during flood
27 recessions, rise of ground water coincident with increased
28 streamflow, contamination of domestic water supplies and
29 other problems.

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1 (d) Flood Plain (FP). The land adjacent to a body of
2 water which has been or may be hereafter covered by floodwater
3 including, but not limited to, the regulatory flood.

4 (e) Flood Profile. A graph or a longitudinal profile
5 showing the relationship of the water-surface elevation of a
6 flood event to location along a stream or river.

7 (f) Floodproofing. A combination of structural
8 provisions, changes or adjustments to properties and structures
9 subject to flooding primarily for the reduction or elimination
10 of flood damages to properties, water and sanitary facilities,
11 structures and contents of buildings in a flood hazard area.

12 (g) Freeboard. A factor of safety expressed in feet
13 above a design flood level for flood protective or control works.
14 Freeboard compensates for unknown factors that can contribute
15 to flood heights greater than the height calculated for a
16 selected size flood and flooding conditions such as wave action,
17 bridge opening and flood-plain obstructions, and the hydrological
18 effects of urbanization of the watershed.

19 (h) Hydraulic conveyance. A measure of the carrying
20 capacity of the channel or section.

21 (i) Manmade Obstruction. Any dam, wall, wharf,
22 embankment, levee, dike, pile, abutment, projection, excavation,
23 channel rectification, bridge, conduit, culvert, building, wire,
24 fence, rock, gravel, refuse, fill, structure or matter in,
25 along, across or projecting into any channel, watercourse or
26 regulatory flood hazard area which may impede, retard or change
27 the direction of the flow of water, either in itself or by
28 catching or collecting debris carried by such water, or that is
29 placed where the flow of water might carry the same downstream
30 to the damage of life or property.

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1 (j) Natural Obstruction. Natural obstruction shall
2 mean any rock, tree, gravel or analogous natural matter that is
3 an obstruction and has been located within the flood plain by
4 a nonhuman cause.

5 (k) Regulatory Flood. A flood which is representative
6 of large floods known to have occurred generally in the area or
7 reasonably characteristic of what can be expected to occur on a
8 particular stream or other body of water. This type of flood
9 is generally recognized and accepted nationally by Federal and
10 non-Federal interests and is hereby defined for the purposes of
11 this Article as one with an average frequency of occurrence on
12 the order of once in one hundred (100) years.

13 (l) Regulatory Flood Datum (RFD). Established plane
14 of reference from which elevation and depth of flooding may be
15 determined for specific locations of the flood plain. It is the
16 Regulatory Flood plus a freeboard factor of safety established
17 for each particular area which compensates for the many unknown
18 and uncalculable factors that could contribute to greater flood
19 heights than that computed for a Regulatory Flood. (See Regula-
20 tory Flood and Freeboard definitions for clarification of
21 cumulative definition of Regulatory Flood Datum.)

22 (m) Structure. Anything constructed or erected on the
23 ground, including, but not limited to, buildings, factories,
24 sheds, docks, dams, fences, walls and mobile homes.

25 (n) Watercourse. Any natural or manmade depression
26 with a bed and well-defined banks two (2) feet or more below the
27 surrounding land serving to give direction to a current of water
28 at least nine (9) months of the year or having a drainage area of
29 one hundred (100) acres or more.

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1 Section 25-103. Findings of Fact.

2 (a) Flood Losses Resulting from Periodic Inundation.

3 This Article is necessary because the flood hazard areas of
4 Harford County, Maryland, are subject to periodic inundation
5 which adversely affects the public health, safety and general
6 welfare, impairs the tax base and results in:

7 (1) Physical damages which include the cost of
8 cleanup, damages to or loss of buildings or parts thereof, and
9 loss of contents, including furnishings, equipment, stocks of
10 raw materials in process, and completed products.

11 (2) Emergency costs which include evacuation and
12 reoccupation, flood fighting, disaster relief, increased expense
13 of normal operations during a flood, increased costs of police,
14 fire or military patrol, and abnormal use of alternative traffic
15 routes, cleanup of public properties and repair of water and
16 sewer lines.

17 (3) Business losses which include fixed costs,
18 nonproductive labor costs, employees' wage losses and net profit
19 losses not compensated for by postponed sales or alternate sales
20 by competitors.

21 (4) Intangible losses which include loss of human
22 life, health and security, loss of goodwill to business establish-
23 ments and impaired environmental quality.

24 Section 25-104. Statement of Purpose.

25 (a) It is the purpose of this Article to promote the
26 public health, safety and general welfare and minimize those
27 losses described in this Article by provisions designed to:

28 (1) Restrict or prohibit the development of lands
29 for uses which are dangerous to health, safety or property in time
30 of flood or which, with reasonably anticipated improvements, will
31 cause excessive increases in flood heights or velocities.

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1 (2) Require that properties in an area vulnerable
2 to floods have a safe building site with adequate access and
3 that public facilities which serve such uses be installed with
4 protection against flood damage at the time of initial
5 construction.

6 (3) Advise individuals when buying or using lands
7 which are unsuited for an intended use because of flood hazards
8 that development will be prohibited on unprotected flood hazard
9 lands, BY requiring that flood hazard areas be delineated on
10 property plats, by prohibiting construction on portions of lots
11 which are unprotected and are platted in a flood plain, and by
12 designating flood hazard areas on zoning maps.

13 (4) Provide for limited uses in flood hazard areas
14 by setting forth principal permitted uses and allowing conditional
15 uses by permit.

16 (5) Provide for the eventual removal of
17 nonconforming uses.

18 Section 25-105. General Causes of Flood Losses.

19 (a) Flood losses are caused by:

20 (1) The cumulative effect of obstructions in flood
21 plains causing increases in flood heights and velocities.

22 (2) The occupancy of flood hazard areas by uses
23 vulnerable to floods, or hazardous to other lands, which are
24 inadequately elevated or otherwise protected from flood damages.

25 Section 25-106. Methods of Analysis for Non-Tidal Flood Hazards.

26 (a) Flood plain maps prepared by the U.S. Geological
27 Survey and gauge data and studies by the Maryland Geological
28 Survey, the Susquehanna River Basin Commission, the Corps of
29 Engineers, and Department of Housing and Urban Development Flood
30 Hazard Rate Studies or Flood Hazard Boundary Maps shall be used
31 for distinguishing the regulatory flood plain in those areas
32 of Harford County that have been studied.

1 (b) Methods of Analysis for Tidal Flood Hazards. Based
2 on U.S. Coast and Geodetic Survey tidal records and gauge data for
3 the Baltimore District and Harford County, the one Hundred (100)
4 year tidal regulatory flood datum level is hereby designated as
5 being eight (8) feet above mean sea level. For the purposes of
6 this Article, an elevation of up to eight (8) feet above United
7 States Geological Survey mean sea level shall be considered as a
8 tidal flood plain district and the uses specified in Section
9 25-108 shall be permitted subject to all other requirements of
10 this regulation.

11 Section 25-107. Compliance, Restrictions.

12 (a) No land in Harford County shall hereafter be
13 developed or used in any manner without full compliance with the
14 terms and provisions of this Article.

15 (b) Land Suitability. No land shall be developed,
16 maintained or used when the intended use violates the standards
17 imposed by this Article.

18 (c) General Provisions. Lands to which Article applies.
19 This Article shall apply to all lands within the jurisdiction of
20 Harford County, Maryland, which are subject to flooding by the
21 regulatory flood.

22 (d) Warning and Disclaimer of Liability. The degree of
23 flood protection required by this Article is considered reasonable
24 for regulatory purposes and is based on available engineering
25 and scientific methods of study. Floods larger than those of
26 one hundred (100) year frequency may occur on rare occasions.
27 Flood heights may be increased by manmade or natural causes, such
28 as ice jams or bridge openings restricted by debris. This
29 Article does not imply that areas outside a delineated flood
30 hazard area or land uses permitted within a flood plain area will
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1 be free from flooding or flood damages. This Article shall not
2 create liability on the part of Harford County or any officer
3 or employee thereof for any flood damages or other costs that
4 result from reliance on this Article or any administrative
5 decision lawfully made thereunder.

6 (e) Building Site Improvements. Building sites shall be
7 improved in accordance with the following requirements:

8 (1) No development, part thereof, or building or
9 use permit shall be approved if levees, fills, structures or
10 other features of a proposed development will individually or
11 collectively cause a significant increase (the significance of
12 the increase shall be decided by a study conducted by the Depart-
13 ment of Public Works) in flood flows, heights or damages.

14 (2) If any reviewing agency, designated by the
15 provisions of this Article, determines that only part of a proposed
16 plat can be safely developed, development shall be limited to
17 that part and any such development shall proceed consistent
18 with this determination.

19 (3) When the developer does not intend to develop
20 the land shown on the plat himself, and any reviewing agency
21 determines that additional use controls are required to insure
22 safe development, the developer shall be required to impose
23 appropriate deed restrictions on the land which shall be inserted
24 in every deed and the applicable Harford County Law cited on the
25 face of the final recorded plat.

26 (4) Building or use permits shall not be issued
27 for construction on any site which is not in conformance with
28 the requirements of this Article.

29 (f) Roadway Facilities, Sewer and Water Facilities.

30 (1) Roadway and storm drainage facilities shall
31 be designed and constructed in accordance with the Harford County
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1 Road Code and Standard Specifications.

2 (2) All sanitary sewage facilities, public and
3 private, shall be floodproofed to a point at or above the
4 regulatory flood protection elevation.

5 (g) Water Facilities.

6 (1) All water systems including individual wells
7 located in flood-prone areas, whether public or private, shall
8 be floodproofed to a point at or above the regulatory flood
9 protection elevation.

10 (2) Erosion and Sediment Control Measures. The
11 Department of Public Works shall require the subdivider to
12 utilize grading techniques, subdivision design, landscaping,
13 sedimentation basins, special vegetation cover and other
14 provisions included in the Harford County Grading and Sediment
15 Control Law in order to reduce erosion and sediment. All
16 sediment control plans must be approved by the Soil Conservation
17 District.

18 Section 25-108. Zoning Maps.

19 (a) Flood hazard areas shall be shown on the Harford
20 County Zoning Maps, or by some other system which is compatible
21 with zoning, distinguished as a Flood Plain Zone District (FP).
22 This shall be based on the best available data as in Section
23 25-106(a) and Section 25-106(b).

24 (b) Flood Plain (FP) Zone District.

25 (1) Permitted Uses. The following uses having a
26 low flood damage potential and no potential for obstructing flood
27 flows shall be permitted within this district to the extent that
28 they are not prohibited by any other law and provided they do
29 not require structures, fill or storage of materials or
30 equipment and meet all other requirements of this Article.

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1 However, no use shall adversely affect the capacity of the
2 channels of any tributary to the main stream, drainage ditch
3 or any other drainage facility or system.

4 (2) Agricultural uses such as general farming,
5 pasture, grazing, outdoor plant nurseries, horticulture,
6 viticulture, truck farming, forestry, sod farming and wildcrop
7 harvesting and necessary agricultural fencing.

8 (3) Industrial-commercial uses such as loading
9 areas, parking areas and airport landing strips.

10 (4) Private and public recreational uses such as
11 golf courses, tennis courts, driving ranges, archery ranges,
12 picnic grounds, boat launching ramps, swimming areas, parks,
13 wildlife and nature preserves, game farms, fish hatcheries,
14 shooting preserves, target ranges, trap and skeet ranges,
15 hunting and fishing areas, hiking and horseback riding trails.

16 (5) Residential uses such as lawns, gardens,
17 parking areas and play areas.

18 (6) PUBLIC ROADS, WATER LINES AND SEWER LINES
19 WHICH ARE APPROVED BY THE DEPARTMENT OF PUBLIC WORKS.

20 Section 25-109. Conditional Uses.

21 (a) The following uses which involve structures
22 (temporary or permanent), fill or storage of materials or
23 equipment may be permitted only upon application to Harford
24 County and the issuance of a conditional use permit by Harford
25 County as provided in this Article:

26 (1) Uses or structures accessory to open space
27 or conditional use permits.

28 (2) Circuses, carnivals and similar transient
29 amusement enterprises.

30 (3) Drive-in theaters, new and used car lots,
31 roadside stands, signs and billboards.

32 (4) Extraction of sand, gravel and other materials.

1 (5) Marinas, boat rentals, docks, piers and
2 wharfs.

3 (6) Railroads, private utility transmission lines
4 and private pipe lines except those approved by the Harford County
5 Department of Public Works.

6 (7) Storage yards for equipment, machinery or
7 materials.

8 (8) Kennels and stables.

9 (9) Structures constructed on fill so that the
10 first floor and basement floor are above the regulatory flood
11 protection elevation. The fill shall be at a point no lower than
12 one (1) foot below the regulatory flood protection elevation for
13 the particular area and shall extend at such elevation at least
14 fifteen (15) feet beyond the limits of any structure or building
15 erected thereof. However, no use shall be constructed which will
16 adversely affect the capacity of channels of any tributary to the
17 main stream, drainage ditch or any other drainage facility or
18 system.

19 (10) Other uses similar in nature to uses described
20 in this Article, which are consistent with the provisions
21 established by this Article.

22 Section 25-110. Requirements for Conditional Permit Uses.

23 (a) Where existing streets or utilities are at eleva-
24 tions which make compliance with this provision impractical or in
25 other special circumstances, the County may authorize other
26 techniques for the elevation of residences. Structures other
27 than residences shall ordinarily be elevated on fill as provided
28 in Section 25-109(a)(9), but may, in special circumstances, be
29 otherwise elevated or floodproofed as provided in Section 25-112
30 (e)(5) to a point above the regulatory flood protection elevation.

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1 (b) The County may authorize, at an elevation below
2 the regulatory flood protection elevation, uses listed in
3 Section 25-109 of this Article and other similar uses which
4 will not be subject to substantial flood damage and which will
5 not cause flood damage to other lands.
6 Section 25-111. Uses.

7 (a) All Uses. No structure (temporary or permanent),
8 fill (including fill for roads and levees), deposit, obstruction,
9 storage of materials or equipment or other use may be allowed as
10 a conditional use which, acting alone or in combination with
11 existing or future uses, affects the capacity of the flood
12 plain or increases flood heights. In addition, all flood-plain
13 conditional use permits shall be subject to the applicable
14 standards contained in Section 25-112(c) and the following
15 standards [25-110(b)].

16 (b) Fill.

17 (1) Any fill proposed to be deposited in the
18 CHANNEL FLOW Flood Plain District must be shown to have some public
19 beneficial purpose and the amount thereof not greater than is
20 necessary to achieve that purpose as demonstrated by a plan
21 submitted by the owner showing the uses to which the filled land
22 will be put, the final dimensions of the proposed fill or other
23 materials and the flood heights that will result upstream and
24 downstream as a result of the fill.

25 (2) Such fill or other materials shall be protected
26 against erosion by riprap, vegetation cover or bulkheading.

27 (c) Structures (Temporary or Permanent).

28 (1) Structures shall not be designated for human
29 habitation.

30 (2) Structures shall have a low flood damage
31 potential.

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1 (3) The structure or structures, if permitted,
2 shall be constructed and placed on the building site so as to
3 offer the minimum obstruction to the flow of floodwaters.

4 (A) Whenever possible, structures shall be
5 constructed with the longitudinal axis parallel to the direction
6 of flood flow; and

7 (B) So far as practicable, structures shall be
8 placed approximately on the same flood flow lines as those of
9 adjoining structures.

10 (4) Structures shall be firmly anchored to prevent
11 flotation which may result in damage to other structures,
12 restriction of bridge openings and other narrow sections of the
13 stream or river.

14 (5) Service facilities such as electrical and
15 heating equipment shall be constructed at or above the regulatory
16 flood protection elevation for the particular area or
17 floodproofed.

18 (d) Storage of Material and Equipment.

19 (1) The storage or processing of materials that are
20 in time of flooding buoyant, flammable, explosive or could be
21 injurious to human, animal or plant life is prohibited.

22 (2) Storage of other material or equipment may be
23 allowed if not subject to major damage by floods and firmly
24 anchored to prevent flotation or if readily removable from the
25 area within the time available after a flood warning.

26 Section 25-112. Conditional Use Applications.

27 (a) Any use listed in this Article as requiring a
28 conditional use permit may be allowed only upon application to
29 the Department of Inspections, Licenses and Permits on forms
30 furnished by that Department and issuance of a conditional use
31 permit by the County.

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1 (b) Procedure to be Followed by the County in Granting
2 Conditional Use Permits. Upon receiving an application for a
3 conditional use permit involving the use of fill, construction of
4 structures, or storage of materials, the County shall, prior to
5 rendering a decision thereon:

6 (1) Require the applicant to furnish such of the
7 following information as is deemed necessary by the County in
8 determining the suitability of the particular site for the
9 proposed use:

10 (A) Plans in triplicate drawn to scale showing
11 the nature, location, dimensions and elevation of the lot, existing
12 or proposed structures, fill, storage of materials, floodproofing
13 measures and the relationship of the above to the location of the
14 channel, flood plain and the flood protection elevation.

15 (B) A typical valley cross section showing the
16 channel of the stream, elevation of land areas adjoining each
17 side of the channel, cross sectional areas to be occupied by the
18 proposed development and high water information.

19 (C) Plans (surface view) showing elevations or
20 contours of the ground; pertinent structure, fill or storage
21 elevations; cross sectional drawings showing original and new
22 channel before and after filling; size, location and spatial
23 arrangement of all proposed and existing structures on the site;
24 location and elevations of streets, water supply, sanitary
25 facilities; photographs showing the existing land uses and
26 vegetation upstream and downstream, soil types and other
27 pertinent information.

28 (D) A profile showing the slope of the bottom
29 of the channel or flow line of the stream.

30 (E) Specifications for building construction
31 and materials, floodproofing, filling, dredging, grading,
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1 channel improvement, storage of materials, water supply and
2 sanitary facilities.

3 (i) Transmit one (1) copy of the
4 information described in subsection (1) to a designated County
5 engineer or other expert person or County agency for technical
6 assistance, where necessary, in evaluating the proposed project
7 in relation to flood heights and velocities; the seriousness of
8 flood damage to the use; the adequacy of the plans for protection;
9 and other technical matters.

10 (ii) Based upon the technical evaluation
11 of the designated engineer or expert, the County shall determine
12 the specific flood hazard at the site and shall evaluate the
13 suitability of the proposed use in relation to the flood hazard.

14 (c) Factors Upon Which the Decision of the County Shall
15 be Based. In passing upon such applications, the County shall
16 consider all relevant factors specified in other sections of this
17 Article, including, but not limited to:

18 (1) The danger of life and property due to increased
19 flood heights or velocities caused by encroachments, both up and
20 downstream.

21 (2) The danger that materials may be swept on to
22 other lands or downstream to the injury of others.

23 (3) The proposed water supply and sanitary systems
24 and the ability of these systems to prevent disease, contamina-
25 tion and unsanitary conditions.

26 (4) The susceptibility of the proposed facility and
27 its contents to flood damage and the effect of such damage on
28 the individual owners.

29 (5) The importance of the services provided by the
30 proposed facility to the community.

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1 (6) The requirements of the facility for a water-
2 front location.

3 (7) The availability of alternative locations not
4 subject to flooding for the proposed use.

5 (8) The compatibility of the proposed use with
6 existing development and development anticipated in the foresee-
7 able future.

8 (9) The relationship of the proposed use to the
9 Comprehensive Master Plan and flood plain management program for
10 the area (if existent).

11 (10) The safety of access to the property, in times
12 of flood, of ordinary and emergency vehicles.

13 (11) The expected heights, velocity, duration, rate
14 of rise and sediment transport of the floodwaters expected at
15 the site.

16 (12) The costs of providing governmental services
17 during and after flood conditions including maintenance and
18 repair of public utilities and facilities such as sewer, water
19 systems and streets and bridges.

20 (13) THE MAINTENANCE OF THE INTEGRITY OF THE
21 CHANNEL AND CHANNEL FLOW.

22 ~~{13}~~ (14) Such other facts which are relevant to the
23 purposes of this Article.

24 (d) Time For Acting on Application. The County shall
25 act on an application in the manner above described within sixty
26 (60) days from receiving the application, except that where
27 additional information is required by the County pursuant to
28 Section 25-112(b)(1) of this Article, the County shall render a
29 written decision within ninety (90) days from the receipt of such
30 information.

31 (e) Conditions Attached to Conditional Use Permits.
32 Upon consideration of the factors listed above and the purposes

1 of this Article, the County may attach such conditions to the
2 granting of special permits or variances as it deems necessary
3 to further the purposes of this Article. Among such conditions,
4 without limitation because of specific enumeration, may be
5 included:

6 (1) Modification of waste disposal and water
7 supply facilities.

8 (2) Limitations of periods of use and operation.

9 (3) Imposition of operational controls, sureties
10 and deed restrictions.

11 (4) Requirements for construction of channel
12 modification, dikes, levees and other protective measures.

13 (5) Floodproofing measures such as the following
14 shall be designed consistent with the flood protection elevation
15 for the particular area, flood velocities, durations, rate of
16 rise, hydrodynamic forces and other factors associated with the
17 regulatory flood. The County shall require that the applicant
18 submit a plan or document certified by a registered professional
19 engineer that the floodproofing measures are consistent with
20 the regulatory flood protection elevation and associated flood
21 factors for the particular area. The following floodproofing
22 measures may be required without limitation because of specific
23 enumeration:

24 (A) Anchorage to resist flotation and lateral
25 movement.

26 (B) Installation of watertight doors,
27 bulkheads and shutters, or similar methods of construction.

28 (C) Reinforcement of walls to resist water
29 pressures.

30 (D) Use of paints, membranes or mortars to
31 reduce seepage of water through walls.

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1 (E) Addition of mass or weight to structures to
2 resist flotation.

3 (F) Installation of pumps to lower water
4 levels in structures.

5 (G) Construction of water supply and waste
6 treatment systems so as to prevent the entrance of floodwaters.

7 (H) Installation of pumping facilities or
8 comparable practices for subsurface drainage systems for buildings
9 to relieve external foundation wall and basement flood pressures.

10 (I) Construction to resist rupture or
11 collapse caused by water pressure or floating debris.

12 (J) Installation of valves or controls on
13 sanitary and storm drains which will permit the drains to be
14 closed to prevent backup of sewage and storm waters into the
15 buildings or structures. Gravity draining of basements may be
16 eliminated by mechanical devices.

17 (K) Location of all electrical equipment,
18 circuits and installed electrical appliances in a manner which
19 will assure they are not subject to flooding and to provide
20 protection from inundation by the regulatory flood.

21 (L) Location of any structural storage
22 facilities for chemicals, explosives, buoyant materials,
23 flammable liquids or other toxic materials which could be
24 hazardous to public health, safety and welfare in a manner which
25 will assure that the facilities are situated at elevations above
26 the height associated with the regulatory protection elevation
27 or are adequately floodproofed to prevent flotation of storage
28 containers, or damage to storage containers which could result
29 in the escape of toxic materials into flood waters.

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1 Section 25-113. Nonconforming Uses.

2 (a) A structure or the use of a structure or premises,
3 lawfully existing before the passage or amendment of this
4 Article, but which is not in conformity with the provisions of
5 this Article, may be continued subject to the following
6 conditions:

7 (1) No such use shall be expanded, changed,
8 enlarged or altered in a way which increases its nonconformity
9 unless the structure is permanently changed to a conforming use.

10 (2) If such use is discontinued for twenty-four
11 (24) consecutive months, any future use of the building premises
12 shall conform to this Article. The assessor shall assist the
13 Department of Planning and Zoning in determining instances of
14 nonconforming uses which have been discontinued for a period
15 of twenty-four (24) months.

16 (3) If any nonconforming use or structure is
17 destroyed by any means, including floods, to an extent of one-
18 third (1/3) of its height, bulk or area, the damaged portion
19 shall not be reconstructed except in conformity with the
20 provisions of this Article. The County may permit reconstruction
21 if the use or structure upon reconstruction is adequately and
22 safely floodproofed, elevated or otherwise protected in
23 conformity with Section 25-112(e).

24 (4) Uses or adjuncts thereof which are or become
25 public nuisances shall not be entitled to continue as nonconforming
26 uses.

27 (5) Except as provided by this Article, any use
28 which has been permitted as a conditional use shall be considered
29 a conforming use upon satisfactory compliance and completion of
30 each and every condition imposed.

31 (6) Any alteration, addition or repair to any
32 nonconforming structure which would result in substantially

1 increasing its flood damage potential shall be protected by
2 measures pursuant to Section 25-112(e) of this Article.

3 (7) The Department of Public Works in consultation
4 with qualified reviewing agencies shall prepare a list of those
5 nonconforming uses which have been floodproofed or otherwise
6 adequately protected in conformity with Section 25-112(e).
7 Section 25-114. Procedure for Development Plat Approval.

8 Development plat review consists of two (2) steps. The
9 initial step is the preparation and submission of a preliminary
10 plan of the proposed development. The second step is the
11 preparation and submission of a final plat, together with
12 required certificates. This final plat becomes an instrument to
13 be recorded in the Office of the Clerk of the Circuit Court when
14 duly signed by appropriate County agencies, ~~the County Attorney~~
15 and the County Executive.

16 Section 25-115. Preliminary Development Plan Review and Approval.

17 (a) The Preliminary Plan. The developer shall submit
18 copies of a preliminary plan to the Department of Planning and
19 Zoning in accordance with the appropriate and applicable regula-
20 tions of Harford County. In addition, the preliminary plan shall
21 contain the following information:

22 (1) Existing Conditions.

23 (A) Location of streams, rivers, lakes, ponds,
24 embayments and swamps with direction of flow and elevations.

25 (B) Regulatory flood elevations and
26 boundaries of flood-prone areas as defined in Section 25-107(c).

27 (2) Proposed Conditions.

28 (A) Layout of all lots and building sites
29 for lands subject to flooding, including building setback lines
30 and lot divisions.

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1 (B) Preliminary plan of onsite waste disposal
2 systems including disposal sites for lands subject to flooding.

3 (C) Proposed fill or other structure elevating
4 techniques, levees, channel modification, seawalls and other
5 methods to overcome flood or erosion related hazards.

6 (D) Identification of runoff holding areas
7 such as swales, groundwater recharge soils, special vegetation
8 and other characteristics having this unique feature.

9 (E) Draft of proposed restrictive covenants,
10 if any, to be imposed and designation of areas subject to
11 special restriction.

12 (b) Review of the Preliminary Plan. The prelimin-
13 ary plan shall be reviewed in accordance with the appropriate
14 regulations. The Department of Planning and Zoning may require
15 the applicant to submit additional topographic information,
16 detailed plans for proposed uses and other information to
17 determine possible flood or erosion hazards, the effect of the
18 development uses upon flood flows and the adequacy of proposed
19 flood protection measures. The Department of Planning and Zoning
20 may consult with expert persons or agencies for technical
21 assistance and advice.

22 (c) The Department of Public Works may require the
23 developer to submit valley cross sections, including the channel
24 of the stream at points specified by the Department of Public
25 Works, topographic information for areas adjoining sides of
26 the channel, cross sections for land to be occupied by the
27 proposed development, highwater information and other pertinent
28 information. The Department of Public Works may transmit one (1)
29 copy of this information described to a designated engineer or
30 other expert person or agency for technical assistance, where
31 necessary, in evaluating the proposed project in relation to
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1 flood heights and velocities; the seriousness of flood damage to
2 the use, the adequacy of the plans for protection and other
3 technical matters. The Department of Public Works, with the
4 expert assistance may:

5 (1) Estimate the discharge of the regulatory
6 flood.

7 (2) Determine the specific flooding threat at
8 the site of the proposed development and determine whether the
9 development is located in a flood plain by:

10 (A) Calculation of water surface elevations
11 and flood protection elevations based upon a hydraulic analysis
12 of the capacity of the stream channel and overbank areas to
13 convey the regulatory flood. Flood protection elevations shall
14 be ~~two (2) feet~~ ONE (1) FOOT above the water surface elevations of
15 the regulatory flood.

16 (B) Computation of the channel required to
17 convey this flood without increasing flood heights to an extent
18 which would cause substantial upstream or downstream damage to
19 existing or reasonably anticipated future development. Computation
20 of increases in flood heights caused by an encroachment shall be
21 based upon a complete hydraulic review and study.

22 Section 25-116. Final Plat.

23 (a) The final plat and supplementary documents shall
24 be in accordance with the appropriate and applicable regulations.
25 In addition, they may be required to show:

26 (1) All information required on the preliminary
27 plan, including, but not limited to, regulatory flood elevations,
28 boundaries of flood-prone areas, building sites (including
29 waste disposal areas), fills, flood or erosion protective works
30 and areas subject to special deed restrictions.

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1 (2) Flood plain areas pursuant to Section 25-115(a).
2 Section 25-117. Modifications.

3 (a) Modifications to some provisions may be granted
4 under the following conditions:

5 (1) Because of the unique topographic or other
6 conditions of the land involved, literal application of the
7 provisions of the Article would impose unnecessary hardship.

8 (2) Conditions are attached to plat approval that
9 assure compliance with the requirements of this Article insofar
10 as practical.

11 (3) There is no substantial increase in the flood
12 hazard or damage potential.

13 Section 25-118. Penalties for Violation.

14 Violation of the provisions of this Article by failure
15 to comply with any of its requirements (including violations of
16 conditions and safeguards established in connection with
17 conditions) shall constitute a misdemeanor. Any person who
18 violates this Article or fails to comply with any of its require-
19 ments shall upon conviction thereof be fined not more than One
20 Thousand Dollars (\$1,000.00) or imprisoned for not more than
21 One Hundred Eighty (180) days or both, for each lot developed
22 in violation of this Article, and, in addition, shall pay all
23 costs and expenses involved in the case. Nothing herein contained
24 shall prevent Harford County from taking such other lawful action
25 as is necessary to prevent or remedy any violation.

26 Section 2. *And Be It Further Enacted*, that if any provision or
27 provisions of this Act, or the particular application thereof,
28 shall be held to be invalid, the remaining provisions and their
29 application shall not be affected thereby. Should any provision
30 hereof be inconsistent with any rule, regulation or policy of

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1 any other agency having jurisdiction, such provision shall be
2 invalid, but the remaining provisions and their application shall
3 not be affected thereby.

4 Section 3. *And Be it Further Enacted*, that this Act is hereby
5 declared to be an Emergency Act, necessary for the protection of
6 the public from serious flood hazards and shall take effect on
7 the date it becomes law.

8 EFFECTIVE: June 8, 1976

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The Secretary of the Council does hereby
certify that fifteen (15) copies of this bill
are immediately available for distribution to
the public and the press.

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Angela Markowski
Secretary

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76-33

LIBER 2 PAGE 568
BY THE COUNCIL

AS AMENDED

Read the third time.

Passed SLSD 76-17 May 25, 1976 (with amendments)

~~Failed of Passage~~

By order

Angela Markowski, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this 26th day of May, 1976
at 3:00 o'clock P.M.

Angela Markowski, Secretary



APPROVED:

BY THE EXECUTIVE

[Signature]
County Executive

Date 6-8-76

BY THE COUNCIL

This Bill, having been approved by the Executive
and returned to the Council, becomes law on June 8, 1976.

Angela Markowski
Angela Markowski, Council Secretary

Rec'd for record 7/7 1976 at 11:30 A.M.
Same day recorded & examined, per
H. Douglas Chilcoat, Clerk

76-33
AS AMENDED